THE HONOURABLE SRI JUSTICE

A.GOPAL REDDY

W.P.No.17111 of 2004

Dt.28-03-2006

Between:

Smt. D.Kalavathi

..petitioner

and

1.The Dist. Coop. Officer, Hyderabad (Urban) Dist. and another

..Respondents.

THE HONOURABLE SRI JUSTICE

A.GOPAL REDDY

W.P.No.17111 of 2004

Oral Order:

By means of this writ petition under Article 226 of the Constitution petitioner seeks a Mandamus to declare the notice issued by the 1st respondent in Form-VIII in E.P.No.319/2003 PCB dated 23-08-2004 for sale of house property belongs to the petitioner for due execution of the decree as illegal, arbitrary and violative of principles of natural justice.

It is not in dispute that the petitioner borrowed amount from the 2nd respondent—bank and its filing O.P.No.481 of 2001 before the Co-operative Tribunal and obtaining a judgment for due recovery of the amount borrowed Rs.3,35,559/- with contractual rate of interest. It is stated that after obtaining such decree by the 2nd respondent—bank petitioner paid a sum of Rs.80,000/-; Rs.1,00,000/- and Rs.6,000/- on 01-07-2003, 06-09-2003 and 24-09-2003 respectively.

In paras 4 and 7 of the affidavit it is categorically stated that the petitioner is not disputing the liability to pay the amount, but due to some unavoidable circumstances she could not pay the same and further she made a representation on 13-09-2004 to the 2nd respondent for issuance of statement of loan account to ascertain the amounts paid by her were credited to the loan account.

This Court while issuing notice before admission stayed the proposed auction subject to condition that the petitioner deposits a sum of Rs.1,50,000/- within a period of four weeks.

None appears for the petitioner. In view of the same, whether the conditional order passed by this Court has been complied with or not is not known.

In view of the same, 2nd respondent—bank shall make available copy of the statement of account, disclosing the amounts payable by the petitioner within a period of two weeks from today. On such furnishing the statement of account petitioner is granted one month time for due discharge of the loan amount and in default of payment of the amount, it is open for the 2nd respondent—bank to proceed in accordance with law for due execution of the E.P.

The writ petition is accordingly disposed of. No costs.

_____ A.GOPAL REDDY, J.

28-03-2006

Murthy